

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: de Boer *et al.*  
Appl. No.: 09/954,764  
Filed: September 18, 2001  
For: METHOD FOR TREATING AN IgE-MEDIATED DISEASE IN A PATIENT USING ANTI-CD40 MONOCLONAL ANTIBODIES

Confirmation No.: 8879  
Group Art Unit: 1644  
Examiner: Phillip Gambel

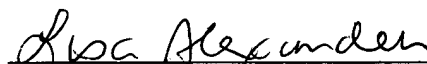
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER  
UNDER 37 C.F.R. §1.321(c)**

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321(c) for the above referenced application. Also enclosed is a check in the amount of \$110.00 for a large entity [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 03-1664 for any additional fee that may be required or credit any overpayment.

Respectfully submitted,

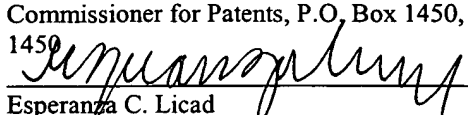
Date: March 29, 2004



By: Lisa E. Alexander  
Its: Assistant Secretary of Chiron Corporation

Customer No. 27476  
**CHIRON CORPORATION**  
Intellectual Property  
P.O. Box 8097  
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**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number EV 351 354 456 US  
Date of Deposit March 29, 2004  
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
  
Esperanza C. Licad

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March 29, 2004

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

The disclaimant, Chiron Corporation, having a principal place of business at 4560 Horton Street, Emeryville, CA 94608-2916, verifies through its duly authorized representative that it is the owner of all right, title, and interest in the above-identified application, by Assignments recorded at Reel/Frame No. 6319/0027, Reel/Frame No. 8209/0087, and Reel/Frame No. 7329/0191.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,004,552, issued December 21, 1999, entitled "*Methods of Blocking B Cell Proliferation Using Anti-CD40 Monoclonal Antibodies*," which patent was assigned to the above-identified disclaimant by Assignments recorded at Reel/Frame No. 6319/0027, Reel/Frame No. 8209/0087, and Reel/Frame No. 7329/0191.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,004,552, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,004,552 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I, Lisa E. Alexander, represent that I am an Assistant Secretary of Chiron Corporation and am authorized to execute this disclaimer on behalf of Chiron Corporation. I further declare that the evidentiary documents of ownership have been reviewed, and I certify that to the best of disclaimant's knowledge and belief, title is in the disclaimant seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Lisa E. Alexander

By: Lisa E. Alexander  
Its: Assistant Secretary of Chiron Corporation

Date: 3/29/04

<p>Customer No. 27476 <b>CHIRON CORPORATION</b> Intellectual Property P.O. Box 8097 Emeryville, California 94662-8097 (510) 923-2585 (510) 655-3542 (fax)</p>	<p><b><u>CERTIFICATE OF EXPRESS MAILING</u></b> "Express Mail" mailing label number EV 351 354 456 US Date of Deposit March 29, 2004 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 <u>Esperanza C. Licad</u> Esperanza C. Licad</p>
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